

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOHN DOE,

Plaintiff,

No. 1:17-CV-00635 RJ/WPL

v.

THE UNIVERSITY OF NEW MEXICO
and THE BOARD OF REGENTS OF THE
UNIVERSITY OF NEW MEXICO,

Defendants.

DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S DUE PROCESS CLAIMS

COME NOW Defendants The University of New Mexico and The Board of Regents of the University of New Mexico (collectively, "UNM"), pursuant to Federal Rule of Civil Procedure 12(b)(6), and hereby seek dismissal of Plaintiff John Doe's claims for violation of due process as pled in the Complaint for Injunctive and Declaratory Relief and Damages [Doc. 1]. As grounds therefor, UNM states:

1. Plaintiff's due process claims against UNM fail as a matter of law because Plaintiff has not pled sufficient facts that would establish any violation of his constitutional rights;
2. As a conditional defense, Plaintiff's due process claims are barred by Eleventh Amendment immunity;
3. Plaintiff does not concur in this Motion to Dismiss; and
4. UNM has contemporaneously filed its Memorandum Brief in Support of Defendants' Motion to Dismiss Plaintiff's Due Process Claims and Response to Plaintiff's Motion for Preliminary Injunction.

WHEREFORE, UNM hereby respectfully requests that the Court dismiss with prejudice Plaintiff's claims for violation of due process.

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/s/ Quentin Smith
By: _____
Quentin Smith

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Defendants' Motion to Dismiss Plaintiff's Due Process Claims was electronically filed using the CM/ECF system, which caused a copy to be sent by email to Plaintiff's counsel, Adams+Crow, P.C. (Arlyn Crow and Alana M. De Young), on this 18th day of August, 2017.

/s/ Quentin Smith

Quentin Smith

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